

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on September 26, 2008, which may be different from its entry on the record.

IT IS SO ORDERED.



A handwritten signature in blue ink, appearing to read "Arthur I. Harris".

Arthur I. Harris  
United States Bankruptcy Judge

Dated: September 26, 2008

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE:

ROBERT GENE POPE

Debtor

IN PROCEEDINGS UNDER CHAPTER 13

CASE NO: 07-11407

JUDGE: ARTHUR I HARRIS

**ORDER GRANTING FINAL RELIEF FROM STAY TO BANK OF NEW YORK AS  
TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED  
CERTIFICATES, SERIES 2005-9 C/O COUNTRYWIDE HOME LOANS, INC  
(6407 Lafayette Boulevard, Independence, OH 44131)**

This matter came to be considered on the Motion for Relief from Stay (the "Motion") filed by BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-9 , C/O COUNTRYWIDE HOME LOANS, INC. ("Movant").

Movant has alleged that good cause exists for granting the Motion and that Debtor, counsel for Debtor, the Trustee, and all other necessary parties were served with the

Motion and with notice of the hearing date of the Motion. No party filed a response or otherwise appeared in opposition of the Motion.

Based on this, it appears appropriate to grant the relief requested.

**IT IS, THEREFORE, ORDERED:**

1. The Motion is granted with regard to the property located at 6407 Lafayette Boulevard, Independence, OH 44131 and that the automatic stay imposed by § 362 of the Bankruptcy Code is terminated with respect to Movant, its successors and assigns.
2. The Chapter 13 Trustee shall discontinue payments to Movant on its claim under the Chapter 13 plan filed by the Debtor. Movant is directed to file a report of sale promptly following liquidation of the Collateral if any excess proceeds have been received and Movant is given leave to file an unsecured deficiency claim within 60 days after liquidation of the Collateral, if such claim exists.

**SUBMITTED BY:**

/s/ Mark R. Lembright  
SHAPIRO & FELTY, L.L.P.  
Mark R. Lembright (0041545)  
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## **CERTIFICATE OF MAILING**

### **Served by Regular U.S. Mail**

Robert Gene Pope  
6407 Lafayette Blvd  
Independence, OH 44131  
Debtor

Catherine J. Pope  
207 West High Street  
Apt. C  
Painesville, OH 44077  
Party of Interest

Countrywide Home Loans, Servicing  
c/o Chelsea Spragg, Esq.  
5601 Hudson Drive  
Hudson, OH 44236  
Party of Interest

### **Electronic Mail Notice List**

The following is a list of parties who are currently on the list to receive e-mail notice/service for this case:

Craig H Shopneck, Trustee  
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Priscilla Schnittke, Esq.  
Debtor's Attorney  
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Office of the U.S. Trustee  
Howard M. Metzenbaum U.S. Courthouse  
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06-60846; cr; August 15, 2008